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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEVIN ROSE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:25-cv-04674-RFL

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
CIVIL L.R. 3-12 AND 7-11**

Pursuant to Rule 3-12 and Rule 7-11 of the Civil Local Rules, Devin Rose (“Plaintiff”) moves the Court to consider whether a case should be related, as follows:

I. THE TITLE AND CASE NUMBER OF EACH APPARENTLY RELATED CASE

Plaintiff is the Named Plaintiff and Class Representative in *Rose v. Meta Platforms, Inc.*, Case No. 3:25-cv-04674-RFL (“*Rose Action*”), the first-filed action.

Plaintiff moves the Court to consider whether *Lee v. Meta Platforms Inc. et al*, Case No. 3:25-cv-04910 (the “*Lee*” Action), the later-filed action, should be related to the *Rose Action* and assigned to this Court.

II. BRIEF STATEMENT OF THE RELATIONSHIP OF THE ACTIONS

Civil Local Rule 3-12(a) provides for actions to be related when: “(1)[t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different [j]udges.” The *Lee Action* should be related to the *Rose Action* because both actions: (a) assert the same claims against the same defendant, Meta Platforms, Inc.¹; (b) arise from the same underlying event, i.e., Meta Platforms, Inc.’s illegal tracking and de-anonymization of Android users who have Facebook or Instagram apps installed on their phone and who visited a webpage with the Meta Tracking Pixel installed; and (c) if the Actions proceed independently of each other it will result in duplicative motions and discovery because the complaints raise the same questions of fact and law.

On June 3, 2025, the *Rose Action* was filed.

On June 10, 2025, the *Lee Action* was filed. **Exhibit 1** to the Declaration of Emily A. Horne. The *Lee Action* is in the earliest stages and no rulings have been made.

Both Actions assert that Meta Platforms, Inc. (“Meta”) tracks the web browsing activity and personal information of Android consumers who (i) have the Instagram and/or Facebook application installed onto their Android phone; and (ii) visit a browser on that phone upon which the Meta

¹ The *Lee Action* additionally asserts claims against Alphabet Inc., and Google LLC.

Tracking Pixel has been installed, even though consumers never authorized Meta to collect their web browsing and personal information, and consumers had a reasonable expectation that Defendant would not intercept their online activity and sell their data for advertising purposes without their knowledge or consent. More generally, all Actions assert the same or substantially identical factual allegations against Meta and seek largely overlapping relief including damages, injunctive and equitable relief, interest, and attorneys' fees and costs.

Thus, both criteria of Civil L.R. 3-12(a) are satisfied such that consolidation before a single judge will conserve the parties' resources and judicial resources and will avoid "unduly burdensome duplication of labor and expense or conflicting results." CIV. L.R. 3-12(a)(2).

III. CONCLUSION

In light of the nearly identical facts and claims presented in the *Lee* Action and here regarding Meta Platforms, Inc., this Action should be related and assigned to this Court where the first-filed *Rose* Action is pending.

Dated: June 11, 2025

BURSOR & FISHER, P.A.

By: /s/ Emily A. Horne

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